

SUPERIOR COURT OF CALIFORNIA

County of San Diego

DATE: April 18, 2006 **DEPT. 71** **REPORTER A:** **CSR# 6614**
PRESENT HON. RONALD S. PRAGER **REPORTER B:** **CSR#**
JUDGE

CLERK: K. Sandoval

BAILIFF: **REPORTER'S ADDRESS: P.O. BOX 120128**
SAN DIEGO, CA 92112-4104

JUDICIAL COUNSEL
COORDINATION PROCEEDINGS
NO. JCCP 4221
1,11,111, AND 1V

TITLE [Rule 1550(b)]
NATURAL GAS CASES

INDEXING

FINAL RULING -EnCANA DEMURRER

This matter was taken under submission on April 12, 2006. The Court has reviewed the papers, the arguments of counsel and the applicable law and affirms the tentative ruling dated April 12, 2006. The Court hereby rules as follows.

The General Demurrer of Defendant EnCana is **OVERRULED**. The Court finds the complaint states sufficient facts to constitute the causes of action asserted therein.

The agency allegations in Plaintiffs' complaint are adequate to put EnCana on notice of the claims asserted against it. Allegations of agency need not be pled with the same specificity required for alter ego allegations or as required in federal litigation. Encana's arguments concerning allegations of sufficient control are factual in nature and inappropriate on demurrer. The Court is unpersuaded by arguments based on non-controlling out-of-state federal decisions.

As such, the demurrer is overruled and EnCana is directed to file its Answer within 15 days of the Court's final ruling.